

The Honorable Magistrate J. Kelley Arnold

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JAMES Q. WILKINSON,

Plaintiff,

v.

ELDON VAIL, et al.,

Defendants.

NO. C05-5656 JKA

DECLARATION OF DEVON
SCHRUM

I, DEVON SCHRUM, make the following declaration:

1. I have knowledge of the facts herein, am over eighteen years of age, and am competent to testify to such facts. I am not a party to this lawsuit.

2. I am the Grievance Program Manager in the Office of Correctional Operations, Washington State Department of Corrections (DOC), located in Olympia, Washington. My official duties include responding to questions regarding the inmate grievance program statewide, reviewing grievances appealed to Level III, reporting to courts and DOC officials on the status of the grievance program, and other duties related to this program. I have held this position since April, 2006.

3. The Washington Offender Grievance Program (OGP) has been in existence since the early 1980's and was implemented on a department-wide basis in 1985.

EXHIBIT 2

DECLARATION OF DEVON SCHRUM
NO. C05-5656

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ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

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4. Under the OGP, an offender may file a grievance over a wide range of aspects of his/her incarceration. Inmates may file grievances challenging 1) DOC institution policies, rules and procedures; 2) the application of such policies, rules and procedures; 3) the lack of policies, rules or procedures that directly affect the living conditions of the offender; 4) the actions of staff and volunteers; 5) the actions of other offenders; 6) retaliation by staff for filing grievances; and 7) physical plant conditions. An offender may not file a grievance challenging 1) state or federal law; 2) court actions and decisions; 3) Indeterminate Sentence Review Board actions and decisions; 4) administrative segregation placement or retention; 5) classification/unit team decisions; 6) transfers; 7) disciplinary actions; and several other aspects of incarceration.

5. The OGP provides a wide range of remedies available to inmates. These remedies are outlined in OGP 015 and include 1) restitution of property or funds; 2) correction of records; 3) administrative actions; 4) agreement by department officials to remedy an objectionable condition within a reasonable time; and 5) a change in a local or department policy or procedure.

6. The grievance procedure consists of four levels of review:

Level 0 - Complaint or informal level. The grievance coordinator at the prison receives a written complaint from an offender on an issue about which the offender wishes to pursue a formal grievance. At this complaint level, the grievance coordinator pursues informal resolution, returns the complaint to the offender for rewriting, returns the complaint to the offender requesting additional information, or accepts the complaint and processes it as a formal grievance. Routine and emergency complaints accepted as formal grievances begin at Level I, complaints alleging staff misconduct are initiated at Level II.

Level I - Grievances against policy, procedure, or other offenders, and grievances processed as emergencies. The local grievance coordinator is the respondent at this level.

1 Level II - Appeal. Offenders may appeal Level I grievances to this level. Staff conduct
2 grievances are initiated at this level. All appeals and initial grievances received at Level II are
3 investigated, with the prison superintendent being the respondent.

4 Level III - Appeal. Offenders may appeal all Level II responses except emergency
5 grievances to Department headquarters in Tumwater, where they are reinvestigated.
6 Administrators are the respondents.

7 7. James Wilkinson, DOC # 717946, is a DOC inmate currently incarcerated at the
8 McNeil Island Corrections Center (MICC) in Steilacoom, Washington. Mr. Wilkinson was
9 first admitted to the DOC in March, 1995.


10 8. The DOC's grievance system is well known to inmates; currently over 20,000
11 grievances are filed per year system wide. Mr. Wilkinson is well aware of the grievance
12 system in the DOC as he has filed approximately 22 separate grievances since June 1996. A
13 true and correct copy of Mr. Wilkinson's grievance history is attached to this declaration as
14 Attachment A.

15 9. It is my understanding that Mr. Wilkinson's complaint raises claims pertaining
16 to an alleged practice of CBCC making race conscious housing decisions. Institutions'
17 practices are grievable issues under the DOC's grievance system regardless of whether they are
18 formalized in policy.

19 10. I have reviewed DOC's official grievance records concerning Mr. Wilkinson
20 and have determined that he has never filed a grievance related to this issue.

21 I declare under the penalty of perjury that the foregoing is true and correct to the best of
22 my knowledge.

23 EXECUTED this 2 day of March, 2007, at Tumwater, Washington.

24
25 
26 DEVON SCHRUM

DECLARATION OF DEVON SCHRUM
NO. C05-5656

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Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

DT21 0 717946

03/02/07 14.14.27

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GRIEVANCE SUMMARY

PAGE 1

DOC NO: 717946

NAME: WILKINSON, JAMES Q.

STATUS: ACTIVE INMATE

CUR LOC: MCNEIL IS CORR CTR

COMPLAINT

ACT	LOGID	DATE	TYPE	CAT	AREA-DESC	SPEC-DESC	JUD	FAC	LV
-	9611768	06/18/96	01	08	809 LIVING UNIT 9	043 CASEWORK	I01		1
-	9612703	07/12/96	01	02	809 LIVING UNIT 9	294 INFRACT-MAJOR	I01		0
-	9614828	08/16/96	01	08	810 LIVING UNIT 10	616 RELIG. PARAPHER	I01		0
-	9620092	10/29/96	01	02	809 LIVING UNIT 9	468 ON-SITE ADJUSTM	I01		1
-	0000464	01/05/00	01	02	804 LIVING UNIT 4	054 CELL/UNIT/BED A	C01		0
-	0021968	10/09/00	01	02	802 LIVING UNIT 2	224 FOOD-SERVING PR	H04		0
-	0115057	07/16/01	01	10	801 LIVING UNIT 1	461 NOISE	B01		0
-	0116449	08/01/01	01	50	587 MAIL ROOM	377 MAIL-LOST/MISRO	B01		1
-	0202678	02/06/02	03	21	801 LIVING UNIT 1	990 UNFAIR TREATMEN	B01		2
-	0209783	05/28/02	01	02	801 LIVING UNIT 1	722 STAFF-TRAINING	B01		1
-	0210477	06/10/02	01	50	647 PROPERTY ROOM/S	515 PROP,P-DAMAGED/	B01		0
-	0213568	07/29/02	01	50	587 MAIL ROOM	387 MAIL-REJECTION	B01		0

OPTIONS: G=GRIEVANCE RECORD P=PERSONAL CHARACTERISTICS

ENTER OPTION IN ACTION COLUMN, OR PRESS ENTER FOR NEXT PAGE

ATTACHMENT

DT21 0 717946

03/02/07 14.14.34

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GRIEVANCE SUMMARY

PAGE 2

DOC NO: 717946

NAME: WILKINSON, JAMES Q.

STATUS: ACTIVE INMATE

CUR LOC: MCNEIL IS CORR CTR

COMPLAINT									
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-	0213568	07/29/02	01	50	587 MAIL ROOM	387 MAIL-REJECTION	B01		0
-	0520329	08/30/05	01	02	051 DOP-INSTITUTION	468 ON-SITE ADJUSTM	B02		0
-	0604258	02/24/06	03	21	808 LIVING UNIT 8	050 CELL/ROOM-CONFI	S01		2
-	0605534	03/10/06	03	21	808 LIVING UNIT 8	972 DEMEANOR/ATTITU	S01		0
-	0610784	05/17/06	01	50	347 CLASSIFICATION	722 STAFF-TRAINING	S01		0
-	0611056	05/16/06	01	50	689 VISITING/PUBLIC	805 VISIT-DENIED/CA	S01		0
-	0611057	05/16/06	01	50	689 VISITING/PUBLIC	805 VISIT-DENIED/CA	S01		0
-	0611562	05/30/06	01	10	802 LIVING UNIT 2	984 PHYSICAL ABUSE/	B01		0
-	0614506	07/07/06	01	50	689 VISITING/PUBLIC	805 VISIT-DENIED/CA	S04		0
-	0624971	11/21/06	01	02	811 LIVING UNIT 11	030 ASSIGN/UNASSIGN	I01		0
-	0701216	01/16/07	01	02	811 LIVING UNIT 11	468 ON-SITE ADJUSTM	I01		0

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